

Frank Padilla Vindicta Jr  
Name  
13500 W Sundance Tr  
Address  
Tucson, Az 85735  
City/State/Zip Code  
Phone No. 520-578-6144

FILED

2005 JUL 27 P 1 17

Debtor in propria persona

UNITED STATES BANKRUPTCY COURT

DISTRICT OF Ariz. Zona

In re Frank Padilla Vindicta Jr  
Soc. Sec. No. 527-99-5592 Debtor(s).  
Frank Padilla Vindicta Jr Plaintiff(s).  
vs. US Department of Education Defendant(s).

Case No. 05-02773  
Chapter 7  
Adversary No. A05-157

**MOTION FOR DEFAULT JUDGMENT  
UNDER BANKRUPTCY RULE 7055**

Plaintiff-Debtor, Frank Padilla Vindicta Jr in pro per, pursuant

to Bankruptcy Rule 7055, moves this Court for a Judgment by Default against defendant, US Department of Education, and respectfully shows as follows:

1. Plaintiff commenced the initial Bankruptcy action by filing on April 25, 2005, a Voluntary Petition pursuant to (check one)  Chapter 7 ( Chapter 13) of the Bankruptcy Code.
2. Plaintiff commenced this adversary action by filing a Complaint To Determine Dischargeability of Student Loan under 11 U.S.C. §523(a)(8) on June 16, 2005.
3. That service of a copy of said Complaint was made upon defendant pursuant to Bankruptcy Rule 7004(b) on June 16, 2005.
4. That defendant failed to file an answer or response to said complaint as provided under Bankruptcy Rule 7012(b) within the time periods fixed by Bankruptcy Rule 7012(a).
5. That the default of defendant was entered by the Clerk of this Court on July 27, 2005.
6. That plaintiff is entitled to a judgment discharging the student loan(s) held by the defendant herein, on the grounds that (a) plaintiff cannot maintain, based on current income and expenses, a minimal standard of living if forced to repay said loan(s), (b) additional circumstances exist which are fully setout in the annexed affidavit in support of this motion that show plaintiff's current state of financial affairs is likely to exist for a significant portion of the repayment period of said student loans, (c) plaintiff has made a good faith effort to repay said loan(s).
7. That pursuant to Bankruptcy Rule 7055, plaintiff is entitled to judgment by default.

WHEREFORE, plaintiff prays that the Court grant this Motion For Default Judgment and enter a Default Judgment upon a finding that excepting the student loan debt, the subject of this action, from discharge will impose an undue hardship on debtor pursuant to 11 U.S.C. §523(a)(8).

Dated this 11 day of May, 2005,

  
\_\_\_\_\_  
Plaintiff-Debtor  
13500 W Sundance Tr  
\_\_\_\_\_  
Address  
Tucson, AZ 85735  
\_\_\_\_\_  
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